

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

CHARLES EDWARD MURPHY,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0409

CORPORAL AKERS;  
SGT. FERGESON;  
CORPORAL HENDRICKS;  
ASHLEY VALLANDINGHAM;  
COI TAYLOR LITTLEJOHN and  
COI SHAN CHAFFIN,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Defendant Vallandingham's Motion to Dismiss (ECF No. 63) and leave this matter referred to the Magistrate Judge for additional proceedings. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and, consistent with the findings and recommendation, **DENIES** Defendant Vallandingham's Motion to Dismiss (ECF No. 63) and leaves this matter referred to the Magistrate Judge for additional proceedings.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 1, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE